



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 3249

2 AMENDMENT NO. _____. Amend Senate Bill 3249 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 45 as follows:

6 (30 ILCS 105/45 new)

7 Sec. 45. Grants of capital funds. The granting of State
8 funds for capital purposes is conditioned upon the grantee's
9 written certification that the grantee shall comply with the
10 disadvantaged business practices of the Business Enterprise
11 for Minorities, Females, and Persons with Disabilities Act and
12 the equal employment practices of Section 2-105 of the Illinois
13 Human Rights Act.

14 Section 10. The Business Enterprise for Minorities,
15 Females, and Persons with Disabilities Act is amended by

1 changing Section 7 and by adding Section 6.5 as follows:

2 (30 ILCS 575/6.5 new)

3 Sec. 6.5. Certification required. A State agency may not
4 include a business in the State agency's proposed or reported
5 achievement of its goals under this Act unless certification,
6 as defined in Section 2, of the business is complete.

7 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

8 (Section scheduled to be repealed on June 30, 2010)

9 Sec. 7. Exemptions and waivers; publication of data.

10 (1) Individual contract exemptions. The Council, on its own
11 initiative or at the request of the affected agency or
12 university, may permit an individual contract or contract
13 package, (related contracts being bid or awarded
14 simultaneously for the same project or improvements) be made
15 wholly or partially exempt from State contracting goals for
16 businesses owned by minorities, females, and persons with
17 disabilities prior to the advertisement for bids or
18 solicitation of proposals whenever there has been a
19 determination, reduced to writing and based on the best
20 information available at the time of the determination, that
21 there is an insufficient number of businesses owned by
22 minorities, females, and persons with disabilities to ensure
23 adequate competition and an expectation of reasonable prices on
24 bids or proposals solicited for the individual contract or

1 contract package in question.

2 (2) Class exemptions. (a) Creation. The Council, on its own
3 initiative or at the request of the affected agency or
4 university, may permit an entire class of contracts be made
5 exempt from State contracting goals for businesses owned by
6 minorities, females, and persons with disabilities whenever
7 there has been a determination, reduced to writing and based on
8 the best information available at the time of the
9 determination, that there is an insufficient number of
10 qualified businesses owned by minorities, females, and persons
11 with disabilities to ensure adequate competition and an
12 expectation of reasonable prices on bids or proposals within
13 that class.

14 (b) Limitation. Any such class exemption shall not be
15 permitted for a period of more than one year at a time.

16 (3) Waivers. Where a particular contract requires a
17 contractor to meet a goal established pursuant to this Act, the
18 contractor shall have the right to request a waiver from such
19 requirements. The Council shall grant the waiver where the
20 contractor demonstrates that there has been made a good faith
21 effort to comply with the goals for participation by businesses
22 owned by minorities, females, and persons with disabilities.

23 (4) Conflict with other laws. In the event that any State
24 contract, which otherwise would be subject to the provisions of
25 this Act, is or becomes subject to federal laws or regulations
26 which conflict with the provisions of this Act or actions of

1 the State taken pursuant hereto, the provisions of the federal
2 laws or regulations shall apply and the contract shall be
3 interpreted and enforced accordingly.

4 (5) The Council shall maintain on its official Internet
5 website a database of waivers granted under this Section. The
6 database, which shall be updated periodically as necessary,
7 shall be searchable by contractor name and by contracting State
8 agency. Each State agency subject to this Act shall include in
9 on its official website a link to the Council's official
10 website. Any unit of local government that grants waivers under
11 a disadvantaged business program similar to the provisions of
12 this Act shall similarly maintain an Internet database of those
13 wavers.

14 Each public notice required by law of the award of a State
15 contract shall include for each bid submitted for that contract
16 the following: (i) the bidder's name, (ii) the bid amount, and
17 (iii) the bid's percentage of disadvantaged business
18 utilization plan. Any unit of local government subject to a
19 disadvantaged business program similar to the provisions of
20 this Act shall include in its public notice of a contract award
21 the same bid information of which a State agency is required to
22 give notice under this subsection.

23 (Source: P.A. 88-597, eff. 8-28-94.)".